

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7003 of 2005

Between:

Venga Bhaskarareddy, s/o Krishna Reddy,
r/o Gopalapuram, Gopalapuram (M), West Godavari District.

..... PETITIONER

AND

- 1 Divisional Engineer (Assessment) AP Eastern Power Distribution Corporation Ltd., Rajahmundry.
- 2 The Assistant Divisional Engineer (Operation), AP Eastern Power Distribution Corporation Ltd.,
Gopalapuram, West Godavari District.
- 3 The Assistant Accounts Officer/ERO, A.P.Eastern Power Distribution Corporation Ltd.,
Nidadavole, West Godavari District.
- 4 Assistant Engineer (Operation), A.P.Eastern Power Distribution Corporation Ltd., Gopalapuram, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings No.4133 DE/A/RJY/DOC No.NDD-549 D.No.5988/04, dt.14-5-2004 issued by the 1st respondent is illegal, irregular, arbitrary and violative of principles of natural justice and violative of Articles 14 and 21 of Constitution of India and also contrary to provisions of the Electricity Act, 2003 and the Rules and Regulations framed thereunder and consequently direct the respondents to restore the power supply to petitioner's residential service connection No.369 of Gopalapuram Village and pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent No.: (SC FOR AP TRANSCO) V.AJAY KUMAR

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that for the alleged mal-practice of utilization of power for a particular purpose other than the one actually granted for, domestic power supply has been disconnected and a final assessment had been made directing him to pay a sum of Rs.48,645/-.

However, the said order is undisputedly appealable one under Section 127 of the A.P. Electricity Act, 2003. Therefore, in view of the availability of efficacious remedy, the writ petition is liable to be dismissed and accordingly dismissed with liberty being given to the petitioner to file an appeal.

However, with regard to the further grievance of the petitioner that the domestic power supply had been disconnected, the learned counsel for the respondent contends that this is permissible as provided under the terms and conditions of the contract.

Having regard to the facts and circumstances of the case, since the petitioner was already given liberty to file an appeal, he is directed to deposit 1/3rd of the amount demanded as a pre requisite to file an appeal within a period of four weeks from today. However, it is further clarified that upon such appeal being preferred by the petitioner, the respondents are directed to restore the domestic power supply to the petitioner.

kvsn 08-04-2005

To

- 1 Divisional Engineer (Assessment) AP Eastern Power Distribution Corporation Ltd., Rajahmundry.
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- 5 Two CD copies.